

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE LESLIE MANLOVE,

Defendant.

CR 15-40-M-DLC-01

ORDER

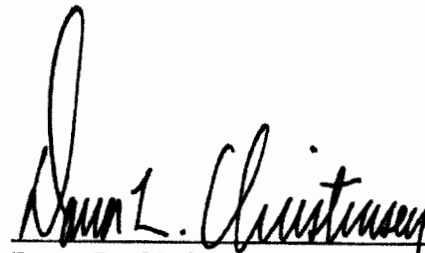
Defendant George Leslie Manlove recently filed a motion for release pending appeal ex parte. The motion does not comply with L.R. 49.1, and the lodged sealed document does not warrant filing under seal.

Furthermore, “[e]x parte communications are generally disfavored in our adversarial system.” *Ralph v. Riveland*, 904 F.2d 710, 710 (9th Cir. 1990); *see also United States v. Klimavicius-Viloria*, 144 F.3d 1249, 1261 (9th Cir. 1998). This is “because they are ‘fundamentally at variance with our conceptions of due process.’” *United States v. McDonnell*, 792 F.3d 478, 495 (4th Cir. 2015), *cert. granted in part*, 136 S. Ct. 891 (2016), *and vacated and remanded on other grounds*, 136 S. Ct. 2355 (2016). “However, such proceedings and communications may be permissible in limited circumstances.” *Id.* A court’s

“analysis should focus, first, on the parties’ opportunity to participate in the court’s decision and, second, on whether the ex parte proceedings were unfairly prejudicial.” *Id.* Here, Defendant Manlove has provided no reasoning regarding why his motion for release pending appeal was filed ex parte. The Court further finds that the Government must be given an opportunity to participate in the decision and respond to this motion prior to sentencing.

Accordingly, IT IS ORDERED that the Clerk of Court is directed to unrestrict Document 324 and 325 in the record. The United States shall respond to Defendant Manlove’s motion by 5:00 p.m. on Thursday, May 18, 2017.

DATED this 15<sup>th</sup> day of May, 2017.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief District Judge  
United States District Court